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A VIEW

OF

SLAVERY,

MORAL AND POLITICAL.

By A. D. SIMS, A. B.

"Let as many servants as are under the yoke count their own masters worthy of all honour, that the name of God and his doctrine be not blasphemed. And they that have believing masters, let them not despise them, because they are brethren: but rather do them service, because they are faithful and beloved, partakers of the benefit. These things teach and exhort."

1 Tim. vi. 1, 2.

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PREFACE.

Some time in the course of the last summer, the author met with an article in the *Christian Advocate and Journal*, (a gazette published in the City of New-York, under the management of the Methodist Episcopal Church,) which he considered highly offensive. It denounced Slavery as immoral and anti-christian, and by consequence, inferred the immorality and impiety of all slave-holders.

Upon reading the article referred to, the author prepared a brief synopsis of the argument in defence of the morality of Slavery and transmitted it to the editor of the Journal for publication; but he declined to give it an insertion. The resolution was subsequently made, to put the argument into a more regular form and submit it to the public.

The fact is, the slave-holders have been too long silent under the sneers and fanatic ebullitions of ignorant and wicked pretenders to philanthropy. The argument is clearly on their side of the question, and the

signs of the times* imperatively call upon them to use it. There can be no doubt, that their property is in jeopardy, either from direct interference, or from indirect influence; and it would much hasten their ruin, if they could be brought to aid the abolition-schemes of the North, through ignorance of the true state of the question, or from the false compunctions of an uninformed conscience.

In the following pages, an attempt is made to vindicate the Institution of Slavery from the unmerited reproaches which have been heaped upon it. In the discussion of the subject, the Scripture division of moral subjects, into things in themselves wrong, and things wrong from a consideration of their consequences, has been observed. It must be owned, that there is much plausibility in the Utilitarian Theory: but the author prefers the known and scriptural doctrine; and happily, it best serves the cause of truth in the investigation on hand. They are chiefly misguided religionists, who are, at this day, producing mischief and exciting alarm on the subject of Slavery. With such persons the Bible cannot fail to be good authority on any subject; and on this, much the most apposite and conclusive.

Since writing these pages, a small pamphlet, written by the late Richard Furman, D. D. of Charleston, S. C. on the subject of Slavery, has been put into the hands of the author; and he is much pleased to find a co-inci-

* See Westminster Review, No. xxxvi, American Edition No. ii, Art. iv. Also, the Declaration of the Anti-Slavery Convention in Philadelphia, Dec. 1833.

dence of opinion between himself and that great and good man, whose name still sheds a pious fragrance throughout the limits of his acquaintance, on many important points of the subject under examination.

The second Part, containing an examination of the Political Question, will be published during the ensuing spring or summer; in the mean time, the following view of the Moral Question is submitted with difidence to the public. The author would have been much pleased if an abler hand had assumed the task which he has so imperfectly performed; but amid the silence of others, he felt disposed to do all in his power to arrest the growing influence of error, and if possible, avert the approaching storm which the signs of the times portend on the subject of his inquiry.

Darlington, S. C.
Dec. 1833.

PART I.

THE MORAL QUESTION.

SECTION I.

The Morality of Slavery, considered in the abstract.

FEW subjects excite a deeper interest in Christian communities, than the existence of Negro Slavery in the Southern States of North America. Many consider it not less a libel on those opinions of freedom which the States inculcate, than a gross immorality and heinous impiety. The slave-holder, even, has sometimes admitted it to be a great moral evil, at the same time purging himself of guilt in the matter, by suggesting the non-concurrence of his assent in its introduction, and the impracticability of its extinction.

No one will deny that Slavery is a moral evil. It grows out of the corruption of human nature doubtless, and would have been as little necessary in the management of human affairs, had man sustained his primitive innocence and moral image of God, as civil restraints.

But, though Slavery is a moral evil, few, when properly informed, will pronounce it immoral; and yet with many, such an opinion prevails.*

When we speak of morality, a standard of right and wrong is implied. Without such a standard, our ideas

* See Declaration of Anti-Slavery Convention. Westminster Review, American edition, No. II. Art. iv. Notes to Cooper's Justinian, p. 413.

on moral subjects must be confused and imperfect: right and wrong must be diversified according to the various conceptions of individuals; and morality itself be resolved into a system of conventional rules of local and temporary obligation.

But such is not Morality. Its sanctions are immutable, and its requirements uniform. What is right at one time or in one place, is right at all times and in all places. Also, of things in themselves wrong, neither time nor circumstance can change their moral complexion. True, many things are in themselves neither right nor wrong, but receive their moral character from their social tendencies. But we are not now considering this class of subjects.

There is then a standard of right and wrong, and that standard is the Law of God, known to his creatures in his Word and in his works, immutable in its nature and requirements, and of universal obligation. When the Word of God plainly declares his will, (which is his Law,) there is no need to consult the more dubious exposition of his works; but we may rest satisfied with the information vouchsafed, and practice upon it with safety.

This Word is plain in its declarations, and clear in its inferences on the subject now under consideration. Read its declarations: "Both thy bondmen, and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids. Moreover of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land: and they shall be your possession. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen forever; but over your brethren the children of Israel, ye shall not rule one over another with rigour."*

* Lev. xxv. 44, 45, 46.

These extracts from Holy Writ unequivocally assert the right of property in slaves, together with the usual incidents of that right; such as the power of acquisition and disposition in various ways according to municipal regulations. The right to buy and sell, and to transmit to children by way of inheritance, is clearly stated. The only restriction on the subject, is in reference to the market, in which slaves or bondmen were to be purchased. "*Of the heathen*," and "*of the children of the strangers, &c. shall ye buy bondmen and bondmaids.*" The restriction cannot in the least, affect the question of morality.

The Greeks called all the world but themselves barbarians; so among the Jews, all beyond the pale of their own country and not of the lineage of Jacob, were heathen. With the restriction, therefore, the permitted slave-market was very extensive.

But the restriction was not designed, nor did it operate, to prevent Israelites from becoming bondmen. Its intention was, to inhibit the practice of buying and selling Israelites as merchandise, and thus prevent their falling into the hands of strangers as slaves;* and to inculcate this salutary lesson of patriotism, that the country and countrymen of a Jew should be dearer to him than any other country or any other people. A lesson worthy to be learned every where! Jews might become bondmen, and like others of that condition take nothing from the return of Jubilee, but remain in bondage forever.† Thus we see, that so far as the simple question of Slavery was concerned, no restriction in fact existed; slaves might be made of Jews or Gentiles, which classification embraced all mankind.

If Slavery were immoral, a something *malum in se*, God would not have incorporated it into the system of government and laws instituted by himself for the Jews, but would have plainly forbidden it. But if it were not

* 1 Milman's History of the Jews, p. 107 and 113.

† Exod. xxi. 2, 5, 6.

immoral for a Jew to have a bondman for his possession, and transmit him as an inheritance to his children; it certainly cannot be wrong for a Carolinian or a Georgian to have a similar possession, and transmit to his children a similar inheritance. No evasion can elude the conclusion, that Slavery was recognized in the Jewish theocracy, and that it cannot be immoral, unless God's laws change with the changing circumstances of time and place, or unless God can sanction immorality, the supposition of which would be profane.

But objections may be advanced against this conclusion. It may be said, that the term, bondman, does not convey the idea of a modern slave, and if it did, bondage among the Jews was a civil regulation, and no part of the moral law, and hence no conclusion in morals can be properly deduced from it.

The answer to these objections, is obvious. In point of fact, the Negro slave of the Southern States of North America, is in a more eligible condition than that of a Jewish bondman. Other details omitted, this alone proves the assertion. Among the Jews the master was permitted, in some cases, to take the life of his bondman extra-judicially; and in no case, was he punished capitally for the murder of his bondman.* Not so in modern Negro-slavery. To kill a slave, is as much murder in contemplation of law† and enlightened public opinion, as to kill a freeman, and the punishment is the same in both cases. The master too, who kills his slave, is as obnoxious to the penalty of the law as any other person; in fact, more so. He is presumed to be guilty of the murder, if he reside on the plantation, when one of his slaves is killed, until he can shew to the contrary by proof; or will purge himself by oath.‡ If then, any force of argument resides in the circumstance of a difference between bondage and slavery, it is, that bondage being right, *a fortiori*, Slavery is right.

* Exod. xxi. 21, 22. † Acts of Ass. of S. C. 1821.
‡ Acts of Ass. of S. C. 1740, P. L. 173.

Again. What is morally wrong, cannot be politically right, nor can Deity sanction, much less institute, civil regulations at war with good morals. Bondage certainly was a civil regulation and no part of the moral law, yet, instituted as it was, by God himself, it was consistent with morality. The Decalogue is a synopsis of the Moral Law, and this no where condemns Slavery, but on the contrary justifies it, by prescribing rules appertaining to the relations of life, which it creates.*

But it may perhaps, be replied, that God did not institute the civil regulations of the Jews, and that inspiration was vouchsafed to Moses only on doctrinal points and not on historical† and civil.

We are not ignorant, that such an opinion has been entertained and publicly defended, by many and able divines. Such names as Tillotson and Warberton cannot fail to give respect to any opinion connected with theology ; to say nothing of many others, who, have equally with them, contended for the same limitation on the office of inspiration. But we cannot, for a moment, entertain the belief, that there is the least truth, no matter how much plausibility there may be, in the opinion. The consequences, to which such an opinion leads, are not only dangerous, but absolutely subversive of the whole system of revelation. To say nothing of the fraud and falsehood, of which such an opinion would necessarily convict Moses, the chosen instrument of God, through whom, to make a gracious communication of his will, to his creatures, we would ask, what part of the Bible must be taken as inspired, and what not ? Who shall determine as to the parts to be believed, and those that may be rejected ? If the whole of the Bible be not inspired, then the door is thrown open to reject the whole. One person may take one part as inspired ; and another person another part ; and alternately reject parts, until, between the two, the whole volume will be

* Exod. xx. 10, 17. † Mr. Hinds.

pronounced an uninspired book. Into such difficulties does learning fall, when by ingenuity, it seeks to evade or explain away the plain and obvious declarations of God's Word!

There are two other considerations, which go far to vindicate the abstract morality of Slavery; the one drawn from the light of nature; the other from revelation.

1. Slavery has existed, in some form, in every age of the world and in almost every country.* Even in the present age, when fanatic zeal has done so much and left scarcely any thing unattempted, the civilized world have not agreed in the abolition of the African slave-trade,† much less in the condemnation of Slavery. This fact is of no little importance. It exhibits the opinion in favour of the moral propriety of Slavery. When, too, we reflect, that the opinion of mankind has been uniform on this subject as well as universal, under every variety of institutions, both civil and religious; and that such uniformity would hardly have existed if Slavery had been in itself wrong, and in the fitness of things improper, the force of the consideration becomes powerful. Had it been wrong, the native evil in it, would have been detected somewhere, at some time. Those crimes condemned in the Bible as *malum in se*, have never received the uniform and united approbation of mankind in opposition to the declarations of that sacred volume. Though some nations may have justified a crime, others condemned it; and what one age improperly allowed, another more informed corrected. So strong is the force of nature, even in the human heart, to teach the way of truth!‡

2. The New-Testament, in various places, enjoins on the servant strict obedience to his master;§ and the

* See Prof. Dew's Disquisition on Slavery.
† Kent's Com. 1 vol. p. 179.
‡ Rom. i. 20, 21, and Rom. ii. 14, 15.
§ Eph. vi. 5. 1 Pet. ii. 18, 19. 1 Tim. vi. 1, 2, 3, 4, 5.

Moral Law as much forbids the coveting of a man-servant or maid-servant, as the coveting of any other species of property.*

If Slavery were like murder or theft, in itself wrong, the Word of God would as plainly forbid it, as it does them; nor would the Moral Law class the man-servant and maid-servant with other property and forbid to covet them, were the possession of them as property, immoral. Indeed, the Bible could not, consistently with its purity and the unerring wisdom of inspiration, enjoin obedience on the servant, if servitude were in itself immoral; for, every act of obedience would involve the idea of immorality and the injunction to obey would be equally implicated in guilt.

It cannot be objected that the Slavery or servitude spoken of in the New-Testament, where obedience is enjoined on the servant, was milder in its form or less objectionable in its character, than is modern Negro Slavery. The Ephesians to whom St. Paul addressed his epistle, in which he particularly urged on the servant the duty of obedience to his master, were subjects of the Roman Empire. To the Civilian, or the classical scholar, it is unnecessary to state, that a slave under the Roman institutions, was of all slaves, the most wretched and unprotected. He held every thing, even life itself, by the precarious tenure of his master's will.†

But it is said, that the spirit of christianity forbids Slavery. "Do unto others as you would they should do unto you," is Scripture morality and overthrows the institution. Let us examine this objection a moment.

No interpretation of the Bible can be correct which makes that sacred volume contradict itself. It reveals to the world, the will of God respecting his creatures in a harmonious manner. Where, therefore, two interpretations may be made, one consistent and harmonious, the other contradictory, the former must prevail.

* Exod. xx. 17.

† Juv. Sat. vi. 219. Hor. Sat. Lib. I. Sat. 3, v. 80, 81, 82. Adam's Roman Antiquities, p. 40, 41, 42, &c. on Slaves,

The Bible positively asserts the criminality of coveting the property of an other ;* and as we have already seen, permits the right of property in slaves. The Bible permitting the right of property in slaves and the municipal laws having established Slavery under permission of the right, the property in slaves becomes as complete and unquestioned as any other species of property. Clearly, then, to covet the freedom of a slave is as criminal as to covet the value of the slave from his master in money, or other property ; for, to emancipate the slave without a fair equivalent given to the master, injures the master to the full amount of his slave's value. No motive, no matter how meritorious it may be in itself, can sanctify the violation of a Scripture command ; and the motive loses its merit, when it leads to such a result. The freedom of all mankind and a perfect equality of right among men, may be a delightful *beau ideal*, of human perfectibility, and may swell the heart with longings after such a pleasing event in the affairs of mortals ; but it cannot justify the invasion of the rights of property. Even the slave himself, though tempted by the suggestions of natural impulse, ought not to covet his own freedom, without a fair equivalent to the master ; because he is a moral agent and subject to the requirements of the Moral Law.

That interpretation of the maxim, "Do unto others as you would they should do unto you," which would make a master emancipate his slaves, would also make a person possessed of two plantations, give one of them to his indigent neighbour, who had none at all : or a creditor, who had large claims, to release them to his debtors ; in fact, it would confound every idea of justice.

The laws of society in their operation, necessarily produce inequalities in the condition of men. Some will be rich and others poor. The natural impulse of the heart will teach the poor to wish for the station and

* Exod. xx. 17.

advantages of the rich. Were the scene reversed, and the rich reduced to poverty, they would naturally wish that they might be possessed of the wealth and enjoyments of those in more advantageous situations. Must men, therefore, be continually dividing their possessions among those, who are poorer than themselves ; and regard nothing as their own, so long as they can find any one in circumstances more indigent than their's ; or so long as poverty sighs for the privileges and enjoyments of wealth ? Such would be the operation of the maxim as interpreted. But such interpretation cannot be right ; because, it not only involves the Bible in contradictions ; but it leaves no place for the duties of charity, and invites the lazy and worthless to continue in their courses under the guaranty, tha their indolence and riot shall be fed from the industry of the prudent and virtuous ; in fact, it destroys the institution of property. Justice is as much inculcated in Scripture morality as benevolence, and that cannot be moral, which, in its tendency, confounds all notions of justice.

The maxim, when fairly interpreted, in reference to Slavery, means this, that a master should treat his slave with that humanity and kindness, which he would wish to receive from his slave, were their conditions reversed. It contemplates no subversion of the rules of society or the laws of property. St. Paul has not left us without authority on this point, and his injunctions on masters, harmonize throughout with our interpretation of the maxim.*

Upon the whole then, whether we consult the Jewish polity instituted by God himself ; or the uniform opinion and practice of mankind in all ages of the world ; or the injunctions of the New-Testament and the Moral Law ; we are brought to the conclusion, that Slavery is not immoral.

* Eph. vi. 9. Coloss. iv. 1.

SECTION II.

The Morality of Slavery considered with reference to consequences.

Slavery, though in itself innocent, like all institutions in which the passions and frailties of human nature are concerned, is liable to abuse; and evil consequences may, and perhaps sometimes do, grow out of it. These consequences may be considered under the following heads, viz:—

I. As to the Government.

II. As to the Master.

III. As to the Slave.

A fourth head might be added, as to the Slave-market, but this branch of the subject, so far as the present inquiry is concerned, may be aptly enough examined under our third head.

I. *As to the Government.*

The Government of a country, may without any breach of morality institute Slavery, since such an

institution is not immoral. But to be clear of the guilt of consequences, it must make and enforce such laws as will preserve the institution from abuse. This done, the Government is no longer chargeable with consequences, and the institution stands vindicated from all participation in the immorality of individuals. The Governments in the South of North-America, where Slavery exists, have done this and in proof thereof we offer the following particulars.

1. The protection of life, which is the first and most important right guaranteed by Governments to men, is as amply secured to the slave as to the freeman. The murder of a slave is punished with death.* Herein, the law of South-Carolina is more provident of human life, than was the law of Moses,† this entrusted the safety of the bondsman to the interest of the master, rather than the protection of Government, that multiplies the securities of the Slave, by adding the safeguards of the law to the vigilance of the master's interest.

When charged with capital crimes or minor offences, slaves are by law entitled to a fair trial; and the master of such slaves must be notified of the crime and the time and place of trial,‡ to the intent that he may use means to shield the innocent from punishment, and see that none are unlawfully condemned.

Such is the humanity of the law, protecting the slave from the cruelty of individuals, even the master himself, by visiting the penalty of death on his murderer; and securing to him the privilege of a fair trial in all cases where the law itself holds him answerable for disobedience.

2. Another right incidental to that last considered, and for the security of which men enter into society and form Governments, is the enjoyment of life unmolested and unrestrained, except so far as the public good may require.§ All other restraint upon a freeman is tyranny,

* A. A. of S. C. 1821. † Exodus, xxi. 20, 21.
‡ A. A. of S. C. 1831. § Paley Mor. Ph. 325.

and on a slave wickedness and cruelty. The law diligently secures to free citizens this right, by leaving every one unrestrained to seek his happiness, and personal comfort according to the suggestions of his own discretion; while it throws around him a strong defence against the interferences of others.

With the slave it is different, but the difference arises from the condition to which he is by law consigned. If like the freeman he is not allowed to seek his happiness and personal comfort according to the suggestions of his own will (and this would be to abolish Slavery) the law nevertheless, takes care of his health and personal comfort, even should the master be negligent therein, in opposition to his true interest. All unnecessary rigour in punishment is restrained;* slaves may not be kept at labour more than fourteen hours in the twenty-four,† and on few plantations are they employed more than two thirds of this time; a mode also is provided by which the master who otherwise neglects it, is compelled to furnish reasonable food and clothing to his slaves.§

In all these respects public opinion and private interest aid the humane intentions of the law, in providing for the health and personal comfort of the slave; and in consequence of so many and conspiring causes, there is not perhaps any where so happy and contented a class of persons as the slaves of the South.

3. The morals of the slave are guarded by many and wholesome laws.

The Romans considered their slaves in the simple character of things;‡ and hence that culpable inattention, not only to the morals but also to the happiness and life of their slaves, which their institutions exhibited. In modern Negro-Slavery the true idea, and that which to some extent was admitted into the Mosaic law, is adopted, for some purposes the slave is regarded as a thing, while for others he is considered a person capable

* A. A. of S. C. 1740. P. L. 173. † A. A. of S. C. 1740. P. L. 174. § Ibid. 1740, P. L. 174. ‡ Adams' Rom. Antq. 43.

of moral agency and accountability. On this compound character the Government rests its right on the one hand to demand of him obedience to law and its obligation to protect his morals; while on the other, so far as he is a thing or property, he is consigned to the use and management of his master. The interest of the master is happily in this matter, auxiliary to the demands of morality. The slave is more or less valuable in exact proportion to his possession of many or few moral qualities; the master therefore, discarding considerations of duty, has strong inducements to protect the morals of his slave.

As regards other persons than the master, the law forbids all improper interference by which slaves may be corrupted. Not only to sell, but to give intoxicating liquors to a slave, without his master's consent is illegal,* and to trade with him without the written permission of the master is highly penal,† so also, to harbour, conceal, or entertain, a fugitive or runaway slave is punished with much severity.‡

There is a number of other provisions of law defensive of the same point, but it is not necessary particularly to refer to them. If the use of ardent spirits be suppressed and the temptation to theft be removed by destroying their ability to trade, the slaves cannot, as will readily be perceived, be very immoral.

4. The slave is allowed all religious privileges necessary to his Christian comfort and edification. He may worship at whatever church he chooses, and the law secures to him the right of Sabbath.§

It is manifest therefore, that the law imposes no restraints upon the slave, nor permits any rigour in his domestic management, which the public good does not require; and at the same time, it is vigilant in the protection of his life, personal comfort, moral and religious privileges.

* A. A. of S. C P. L. 171. † A. A. of S. C. 1817, p. 17.
‡ A. A. of S. C. 1822. § A. A. 1740, P. L. 168.

II. *As to the Master.*

All the duties of life, owing to the depravity of human nature, may be disregarded by individuals, and of consequence, those resulting from the relation of master and slave may like others, be unobserved. In all countries and under every variety of institutions, some persons will be negligent of their obligations, but it is yet be to learned that masters are more negligent of their obligations than any other class of persons, or that they are particularly guilty of moral obliquities in the management of their slaves more than on any other subject.

The truth is, the slaves in the Southern States are the happiest people on earth. The law as well as public opinion reprobates all rigour in the treatment of them, while interest lends energy to the humane suggestions of the master's heart, teaching him to clothe and feed them with such meat and raiment, as are needful for them; to provide comfortable accommodation for their lodging; to abstain from useless rigour in punishment; not to require too much or too constantly continued labour of them; to have them well attended in seasons of sickness; to protect their rights of person and morals from the violation of strangers; in short, to minister to their comfort and advance their happiness in all the ways and by all the means in his power. This is not a sketch of fancy, but the sober reality of life, exhibited on almost all the plantations of slaves in the South. Indeed! were it the habit of the author, ever to use his pen, in decking themes of declamation, or in presenting in polished phrase and ornamented language, subjects to delight the taste or amuse the imagination, he knows of none connected with human happiness on which, he would sooner try his skill than Negro-slavery, such as he has seen it from infancy to the middle of life.

One, who has resided on plantations of Negroes and witnessed the deep revelry of heart and joyous hilarity of countenance which they exhibit in their amusements, or on the return of their holidays; the ardent sympathy

with which they enter into all the scenes and vicissitudes of the master's life and family; how they sorrow in the adversity, and mingle the joyous laugh, and happy, though simple remark, in the glad scenes of the household, can alone rightly comprehend their happiness.—The Roman lyrist, when tuning his sweetest song and warbling with matchless grace and simplicity, the delights of domestic happiness and rural enjoyment, deemed his strain unfinished, until he had introduced laughing slaves, joyous and contented around the household gods of their rich master.* The Southron, who has seen the same feelings and delights exhibited by the contented and well-provided negro-slaves, is, better than any other person, prepared to relish and admire the poet's selection of incidents, advantageously to present the picture of domestic happiness and rural comfort.

To hear at night, when the solemn silence of the scene has attued the heart to devotion, the songs of Zion, at a distance, caroled in tones of sweetest melody by many co-mingled voices, when native harmony outvies instructed skill; surely cannot excite the idea in the auditor, that wretchedness inspires the choir. Or, on Sunday morning, to see the happy and well-dressed negro-slaves in crowds urging their way to the house of God, to enjoy the benefit of religious instruction and partake of the privileges of public worship, can hardly awake the thought in the observer, that they are either miserable or persecuted. And yet, such is the melody with which night after night the Negroes charm the ear; and such the exhibition of happiness and devotion, which sabbath after sabbath, presents.

The attention and care of masters cannot fail to be productive of comfort and happiness to the slave, and of credit and satisfaction to themselves. In the main, the duties incumbent on masters stand on the same footing and are as faithfully performed, as other relative duties. If occasionally a monster is found who tramples on his

* Hor. Epod. Lib. Œd. 2.

slave, and withholds from him those kind offices and careful protection, which his station binds upon him as a duty; so also, may the cowardly wretch be found, who lifts his hand against her, who confided in his love, and by every species of domestic torture and tyranny, renders that heart miserable, whose affections he treacherously won, and basely blasted. The one character is as despicable as the other, and the one, as much proves that Matrimony is wrong, as the other proves the impropriety of Slavery.

There are some peculiar questions connected with this relation, which we propose briefly to examine.

I. *The Domestic Slave Trade.*

The power to transfer slaves from one to another, is an important incident to the right of property in them. To say, that any right which civil government creates is *naturally* inalienable, involves an absurdity. The moment a person enters into society and holds his rights by virtue of its authority, he ceases to claim by the law of nature. His rights are no longer natural, but civil. Even the rights of extreme necessity and self-defence, where a person may disregard the ordinary restraints of law, and take his protection and safety into his own keeping, though founded in nature, are in society, civil rights. Inalienable rights are made such by the law of the land.

Property is the creature of civil authority, and subject to such rights and incidents as that authority prescribes.* We have already seen that slaves are rightfully made property, and hence, we infer, the right of transfer as an incident. But the question is clearly settled in the law of Moses to which we have already referred; and the right of transfer established beyond a doubt.† If, however, this right be abused, and evil consequences follow, he is criminal whose agency produced the evil.

* Bl. Com. Vol. ii. 14. † Lev. xxi. 44, 45, 46. See Ante, p. 12.

Thus, if the owner of Slaves without good reason, such as unpardonable disobedience, or gross misconduct; or some other justifiable cause, sell them and they fall into the hands of cruel masters; or are sent to distant parts by reason of which the tender connexions which they may may have formed are broken; he is justly charged with, of the guilt incurred in the transaction. Again; if the owner of slaves imprudently contract debt, for the payment of which his slaves are, by operation of law, taken and sold, and the like consequences of cruelty and disruption of sacred ties follow, he is guilty of immorality.

The Domestic Slave Trade, properly so called, which is carried on by speculators as a constant employment for gain, we consider abusive of the right of dominion over slaves. As generally conducted, it is productive of bad consequences; and those engaged in it are reputed to be, and generally are, men of corrupt morals and little feeling. Were men of humane dispositions and correct moral principles to conduct this business, instead of evil, much good might be done. Such men, would not separate, either in their purchases or sales, families of negroes; and they would always choose a subtraction from their gains rather than a violation of duty. But such men could not compete with those, who are alike destitute of honesty and humanity, and of course this last class will generally monopolize the market.

Apart from the abuse to which the domestic slave-trade, is subject, it rests on strong grounds of justification.

The right to buy slaves for use cannot be disputed; and what one may do personally, he may also do by an agent. The speculator, it is said, is but the agent of the planter who wishes to purchase slaves, and the trade is but the effect of the demand for slaves on the plantations to which he carries them; and if speculators did not supply the demand, the planters would do, personally or by immediate agency, what the speculators now do for

them. Besides, the domestic-slave trade, is not chargeable with those horrid consequences, which sometimes attended the African slave trade, and made it so odious in the eyes of England and the United States. Here are regular governments and property is amply secured; so that wars cannot be stirred up for the express purpose of taking captives for the market, nor can slaves be stolen with impunity; nor, least of all, can a person not subject to the laws of slavery be consigned to that condition.

But we apprehend that it would be better, were the planters to superintend this business themselves, rather than uphold and encourage speculators. They would be more mindful of the comfort and happiness of their slaves, and would generally be men of better feelings and principles. In conformity with this view, most of the slave-holding States have, at various times, made legislative inhibitions on the subject. Residents, or those, who proposed to become residents in the State, only were permitted, by these regulations to bring slaves into it.

II. *The Disruption of the Marriage-tie.*

Slaves cannot make a civil contract; as to this, they are entirely under the power and control of the master. Marriage among slaves, therefore, is not a legal contract, under the sanction and protection of civil authority; but a *quasi*-religious obligation, assumed with a perfect knowledge of all the contingencies on which the connexion formed, must rest, and of course, presenting no impediment to the operations of law, as the law knows nothing of it.

The disruption of this tie, or obligation, is an evil which often attends Slavery; but the government is not chargeable. It is a question of morality, for the conscience of the master, or the slave.

If, the disruption be produced by the caprice or imprudence of the master, he is culpable; if, however, the

master be unfortunate merely, and the slave be sold and the marriage tie broken, then if guilt attach at all, it is to the slave, who formed the connexion, cognizant of the multiplied uncertainties on which it stood. In truth, neither master nor slave, is criminal in the last case, nor can the most rigid casuist contend otherwise; unless, the slave should after separation from his or her first companion, contract a second marriage.

To the credit of masters generally, it may be said, that they are attentive to the comfort and wishes of their slaves on this subject; and when arrangements can be made to prevent the separation of man and wife, such arrangements are commonly made, with great cherfulness.

III. *As to the Slave.*

It is objected to Slavery, that it degrades the slave, and by that means injures society; as a freeman would be a much more valuable member; and, but for the institution, freemen would occupy the places now filled with slaves.

The last part of this objection, will be more appropriately examined under another branch of the inquiry; at present, we will only consider the first part of it.

No one will pretend, that a Negro-slave in America is more degraded in any particular, than his ancestor was in Africa; or that his condition is, in any respect, worse, than it would have been, had he been born in Africa; on the contrary all must admit it to be much better.* Instead of the precarious subsistence and personal insecurity of the savage state, he enjoys the certain means of support, and the safe protection of civilized life; instead of the despotic dominion of a capricious and ignorant chieftian, filled with a lust of war, and a total disregard to the happiness of his subjects, whose life and

† Notes to Cooper's Justinian and References there made, p. 4, 12, and 413.

services are at his disposal, either in peace or war;* he is under the control and management of a kind and provident master, who directs his industry to profitable ends and supplies his wants, and who at the same time, is restrained by law from acts of cruelty; above all, instead of the ignorance and errors with which superstition darkens the mind and misguides the affections of the heart, he is instructed in religious truth.

When, therefore, the slave is said to be degraded, comparison is made, not between him and his African ancestor; nor between his condition in America and what it would have been in Africa; but between him and a freeman in America.

It is true, a slave has no political rights, and is subject to more civil restraints than a freeman. But if he were lawfully made a slave and in that condition is subjected to no restraints but those which the good of society and the rights of property require, the question is at an end so far as he is concerned. There can be no immorality in the nature of his condition, on which he can found a claim of exemption from the laws of the community in which he resides.

But the question will be asked, can a man be lawfully made a slave?

Pure Slavery, where the master is clothed with the absolute power of life and death, we consider inconsistent with good morals, and ought not to exist. Into Slavery of this kind a man cannot be reduced—but Slavery such as exists in the United States, which leaves the life of the slave under the protection of government and not at the capricious mercy of the master, is lawful and into it a man may be reduced.† This question has been already settled by a direct appeal to the highest standard of morals known to men; and we do not propose to discuss the subject again; but will briefly inquire

* Cabinet Cyclopædia, Vol. iv. p. 16.

† See Prof. Dew's Disquisition; where Blackstone's objections to Slavery, are answered and Leviticus, *pas.*

into the origin of Slavery as set forth in the Bible, and then shew that the Negroes came fairly into bondage.

Among the Jews, under the Mosaic institutions, there were six sources of Slavery.

1. When a man sold himself through poverty. Lev. xxv. 39.

2. When a father sold his children. Exod. xxi. 7.

3. When creditors seized and sold their insolvent debtors or their children. 2 Kings. iv. 1.

4. A thief was sold when he could not pay his fine or make restitution. Exod. xxii. 3. 4.

5. Prisoners of war.

6. A Hebrew slave ransomed from a Gentile, might be sold to another Hebrew by his master.

Upon analysis we find, that these six sources of Slavery may, in principle, be reduced to two; viz. 1. *jure gentium*, as prisoners of war: 2. *jure civili*, either upon contract, or by simple operation of law, by way of punishment; as in the instances above stated, except the fifth; 3. a third source of Slavery necessarily arises incidental to these two, and is plainly recognized in the Bible; viz. by birth, *servi nascuntur*.

Having thus briefly stated the sources of Slavery as recognized in the Bible, we now proceed to prove that the Negro-slave came fairly into bondage.

No question in morals is more clearly settled than the duty of obedience to civil authority. There are two theories on the subject, but both equally enjoin this duty though on widely different principles. The one rests it on expediency; the other, on compact. In the former case, the obligation is deduced from the consideration, that obedience to Government promotes human happiness, and that men are morally bound to prefer that, which promotes this end, because, God designs the happiness of his creatures: in the latter, it results from the contract of the governed, with the Government, which they may not in good faith, disregard so long as the Government performs its stipulated duties. The theory of compact is considered preferable. Not only

the municipal regulations of a nation, but the international code likewise, claim the obedience of the citizen or subject, and the last is equally with the first supposed to be founded in the consent of the citizens or subjects. Let us now apply these principles to the Africans who have been made slaves.

The interior and western part of Africa, is divided into numerous tribes or nations. Each has its own internal regulations, and among them is a species of international law. One of the rights of war recognized by this law, was originally to put captives to death. Time modified this provision of their international code, and Slavery was substituted for death. The victorious African therefore, who made one of a neighbouring tribe his captive in war, had a right to make him a slave by the captive's own consent and agreement, according to the theory of compact, and life was the equivalent received for the sale of his liberty, or rather we should say (for in Africa itself, the Negroes are in a state of worse servitude than any where in America) for the privilege of changing his master.

The African master then, having a clear title to his slave, undoubtedly had a right to sell him. From such masters, did the Americans derive their titles to Negro-slaves. Under this view of the subject, the Africans became slaves by their own consent; and for the highest equivalent they could receive. In this country their condition is much better than it was in Africa, and therefore, they cannot say that the terms of their captivity and Slavery are broken by their sale and removal to America and that they are consequently released from their obligation to obey as slaves.

One other view on this point suggests itself. Slavery whether arising from the law of nations, or from civil regulations among each tribe, certainly existed in Africa, in almost all, if not all, the tribes. Each tribe was a distinct nation or people, and had a right to regulate its internal concerns; and no foreign power could have any right to gainsay such regulations, but according to no-

tional comity and universal usage would be bound to respect them; and whatever the constitued authorities did with a foreign power, would be legal and binding and of moral validity. On the other hand, the subjects of these tribes, would be clearly bound to the civil authorities thereof to yield obedience, which is supposed to rest on their contract or agreement. Clearly then, when the constituted Governments of these tribes sold slaves to foreigners, they acquired a good title.

Having established the point, that the first African slaves were legally brought into bondage, the right to detain their children in bondage follows as an indispensible consequence. Not only the civil law, but the law of Moses also, asserts the doctrine of "*partus sequitur ventrem.*" There is much reason and good sense in the rule, but we do not think it necessary to labour this point.

Thus we see, that the Slavery which exists in America, was founded in right; that the Governments of the States have thrown every safeguard around the institution, to preserve it from abuse—that the masters generally act kindly towards their slaves, faithfully discharging their duty to them, and that the slaves themselves are happy, infinitely more so, than they would be in Africa.

END OF FIRST PART.

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